

Union Calendar No. 331

112TH CONGRESS
2^D SESSION

H. R. 2621

[Report No. 112-473]

To establish the Chimney Rock National Monument in the State of Colorado,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2011

Mr. TIPTON introduced the following bill; which was referred to the Committee
on Natural Resources

MAY 10, 2012

Additional sponsors: Mr. GARDNER, Mr. COFFMAN of Colorado, Mr.
LAMBORN, and Mr. HEINRICH

MAY 10, 2012

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on July 21, 2011]

A BILL

To establish the Chimney Rock National Monument in the
State of Colorado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Chimney Rock National*
5 *Monument Establishment Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *NATIONAL MONUMENT.*—*The term “national*
9 *monument” means the Chimney Rock National*
10 *Monument established by section 3(a).*

11 (2) *SECRETARY.*—*The term “Secretary” means*
12 *the Secretary of Agriculture.*

13 (3) *STATE.*—*The term “State” means the State*
14 *of Colorado.*

15 **SEC. 3. ESTABLISHMENT OF CHIMNEY ROCK NATIONAL**
16 **MONUMENT.**

17 (a) *ESTABLISHMENT.*—*There is established in the*
18 *State the Chimney Rock National Monument—*

19 (1) *to preserve, protect, and restore the archeo-*
20 *logical, cultural, historic, geologic, hydrologic, nat-*
21 *ural, educational, and scenic resources of Chimney*
22 *Rock and adjacent land; and*

23 (2) *to provide for public interpretation and*
24 *recreation consistent with the protection of the re-*
25 *sources described in paragraph (1).*

1 (b) *BOUNDARIES.*—

2 (1) *IN GENERAL.*—*The national monument shall*
 3 *consist of approximately 4,726 acres of land and in-*
 4 *terests in land, as generally depicted on the map enti-*
 5 *tled “Boundary Map, Chimney Rock National Monu-*
 6 *ment” and dated January 5, 2010.*

7 (2) *MINOR ADJUSTMENTS.*—*The Secretary may*
 8 *make minor adjustments to the boundary of the na-*
 9 *tional monument to reflect the inclusion of significant*
 10 *archeological resources discovered after the date of the*
 11 *enactment of this Act on adjacent National Forest*
 12 *System land.*

13 (3) *AVAILABILITY OF MAP.*—*The map described*
 14 *in paragraph (1) shall be on file and available for*
 15 *public inspection in the appropriate offices of the*
 16 *Forest Service.*

17 **SEC. 4. ADMINISTRATION.**

18 (a) *IN GENERAL.*—*The Secretary shall—*

19 (1) *administer the national monument—*

20 (A) *in furtherance of the purposes for which*
 21 *the national monument was established; and*

22 (B) *in accordance with—*

23 (i) *this Act; and*

24 (ii) *any laws generally applicable to*
 25 *the National Forest System; and*

1 (2) *allow only such uses of the national monu-*
2 *ment that the Secretary determines would further the*
3 *purposes described in section 3(a).*

4 **(b) TRIBAL USES.—**

5 **(1) IN GENERAL.—***The Secretary shall admin-*
6 *ister the national monument in accordance with—*

7 **(A)** *the Native American Graves Protection*
8 *and Repatriation Act (25 U.S.C. 3001 et seq.);*
9 *and*

10 **(B)** *the policy described in Public Law 95–*
11 *341 (commonly known as the “American Indian*
12 *Religious Freedom Act”)* (42 U.S.C. 1996).

13 **(2) TRADITIONAL USES.—***Subject to any terms*
14 *and conditions the Secretary determines to be nec-*
15 *essary and in accordance with applicable law, the*
16 *Secretary shall allow for the continued use of the na-*
17 *tional monument by members of Indian tribes—*

18 **(A)** *for traditional ceremonies; and*

19 **(B)** *as a source of traditional plants and*
20 *other materials.*

21 **(c) VEGETATION MANAGEMENT.—***The Secretary may*
22 *carry out vegetation management treatments within the na-*
23 *tional monument, except that the harvesting of timber shall*
24 *only be used if the Secretary determines that the harvesting*
25 *is necessary for—*

1 (1) *ecosystem restoration in furtherance of sec-*
2 *tion 3(a); or*

3 (2) *the control of fire, insects, or diseases.*

4 (d) *MOTOR VEHICLES AND MOUNTAIN BIKES.—The*
5 *use of motor vehicles and mountain bikes in the national*
6 *monument shall be limited to the roads and trails identified*
7 *by the Secretary as appropriate for the use of motor vehicles*
8 *and mountain bikes.*

9 (e) *GRAZING.—The Secretary shall permit grazing*
10 *within the national monument, where established before the*
11 *date of the enactment of this Act—*

12 (1) *subject to all applicable laws (including reg-*
13 *ulations); and*

14 (2) *consistent with the purposes described in sec-*
15 *tion 3(a).*

16 (f) *UTILITY RIGHT-OF-WAY UPGRADES.—Nothing in*
17 *this Act precludes the Secretary from renewing or author-*
18 *izing the upgrading of a utility right-of-way in existence*
19 *as of the date of the enactment of this Act through the na-*
20 *tional monument—*

21 (1) *in accordance with—*

22 (A) *the National Environmental Policy Act*
23 *of 1969 (42 U.S.C. 4321 et seq.); and*

24 (B) *any other applicable law; and*

1 (2) *subject to such terms and conditions as the*
2 *Secretary determines to be appropriate.*

3 (g) *VOLUNTEERS.*—*The Secretary shall allow for the*
4 *continued access and work of volunteers at the national*
5 *monument.*

6 (h) *RESEARCH.*—*Scientific research, including archeo-*
7 *logical research, educational, and interpretive uses shall be*
8 *permitted within the Monument.*

9 (i) *OTHER ADMINISTRATIVE COSTS.*—*Any signs, fix-*
10 *tures, alterations, or additions needed in connection with*
11 *the designation or advertisement of the Monument shall be*
12 *paid for only with non-Federal funds or amounts made*
13 *available for such purposes in prior Acts of appropriation.*

14 (j) *DESIGNATION OF MANAGER.*—*As soon as prac-*
15 *ticable after the management plan is developed under sec-*
16 *tion 5(a), the Secretary shall designate an employee of the*
17 *Department of Agriculture whose duties shall include acting*
18 *as the point of contact for the management of the national*
19 *monument.*

20 (k) *OTHER RECREATIONAL USES.*—*The Secretary*
21 *shall allow continued use of the national monument for*
22 *hunting, fishing, and other recreational uses authorized on*
23 *the date of the enactment of this Act, except that the Sec-*
24 *retary may implement temporary emergency closures or re-*
25 *strictions of the smallest practicable area to provide for*

1 *public safety, resource conservation, or other purposes au-*
2 *thorized by law.*

3 **SEC. 5. MANAGEMENT PLAN.**

4 (a) *IN GENERAL.*—Not later than 3 years after the
5 *date of the enactment of this Act, the Secretary, in consulta-*
6 *tion with Indian tribes with a cultural or historic tie to*
7 *Chimney Rock, shall develop a management plan for the*
8 *national monument.*

9 (b) *PUBLIC COMMENT.*—In developing the manage-
10 *ment plan, the Secretary shall provide an opportunity for*
11 *public comment by—*

12 (1) *State and local governments;*

13 (2) *tribal governments; and*

14 (3) *any other interested organizations and indi-*
15 *viduals.*

16 **SEC. 6. LAND ACQUISITION.**

17 *The Secretary may acquire land and any interest in*
18 *land within or adjacent to the boundary of the national*
19 *monument by—*

20 (1) *purchase from willing sellers with donated or*
21 *appropriated funds;*

22 (2) *donation; or*

23 (3) *exchange.*

1 **SEC. 7. WITHDRAWAL.**

2 (a) *IN GENERAL.*—Subject to valid existing rights, all
3 Federal land within the national monument (including any
4 land or interest in land acquired after the date of the enact-
5 ment of this Act) is withdrawn from—

6 (1) entry, appropriation, or disposal under the
7 public land laws;

8 (2) location, entry, and patent under the mining
9 laws; and

10 (3) subject to subsection (b), operation of the
11 mineral leasing, mineral materials, and geothermal
12 leasing laws.

13 (b) *LIMITATION.*—Notwithstanding subsection (a)(3),
14 the Federal land is not withdrawn for the purposes of
15 issuance of gas pipeline rights-of-way within easements in
16 existence as of the date of the enactment of this Act.

17 **SEC. 8. EFFECT.**

18 (a) *WATER RIGHTS.*—

19 (1) *IN GENERAL.*—Nothing in this Act affects
20 any valid water rights, including water rights held by
21 the United States.

22 (2) *RESERVED WATER RIGHT.*—The designation
23 of the national monument does not create a Federal
24 reserved water right.

25 (b) *TRIBAL RIGHTS.*—Nothing in this Act affects—

1 (1) *the rights of any Indian tribe on Indian*
2 *land;*

3 (2) *any individually held trust land or Indian*
4 *allotment; or*

5 (3) *any treaty rights providing for nonexclusive*
6 *access to or within the national monument by mem-*
7 *bers of Indian tribes for traditional and cultural pur-*
8 *poses.*

9 (c) *FISH AND WILDLIFE.*—*Nothing in this Act affects*
10 *the jurisdiction of the State with respect to the management*
11 *of fish and wildlife on public land in the State.*

12 (d) *ADJACENT USES.*—*Nothing in this Act—*

13 (1) *creates a protective perimeter or buffer zone*
14 *around the national monument; or*

15 (2) *affects private property outside of the bound-*
16 *ary of the national monument.*

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